

REMARKS

Claims 1-29 are pending in this application after this amendment. Claims 1, 22, and 28-29 are independent. New claims 28-29 are presented for examination. Based upon the Remarks included herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

In the outstanding Official Action, the Examiner rejected claims 1, 2, 11, 17, 21-23, and 25-27 under 35 U.S.C. §103(a) as being unpatentable over *Reha et al.* (USP 6,282,709) in view of *Shima et al.* (USP 6,295,479); rejected claims 3, 14, and 18 under 35 U.S.C. §103(a) as being unpatentable over *Reha et al.* in view of *Manolis et al.* (USP 6,583,799); rejected claims 4-7, 9, 10, 12, 13, 15, 16, 19, 20, and 24 under 35 U.S.C. §103(a) as being unpatentable over *Reha et al.* in view of *Brennan et al.* (USP 2002/0077829); and rejected claim 8 under 35 U.S.C. §103(a) as being unpatentable over *Reha et al.* and *Shima et al.* in view of *Manolis et al.* Applicant respectfully traverses these rejections.

Claim Rejections – 35 U.S.C. §103 – *Reha et al./Shima et al.*

In support of the Examiner's rejection of claim 1, the Examiner asserts that *Reha et al.* discloses a client application comprising a program which causes the client computer to provide a function of communicating with the server to obtain the button information from the server, citing to col. 3, lines 38-47, and a function of displaying menu buttons on a display in combination with a graphical user interface (GUI) screen of the client application according to the button information obtained, citing to col. 6, lines 33-59. The Examiner admits *Reha et al.* fails to disclose button information for menus and providing a function for performing operations defined for the displayed menu buttons. The Examiner relies on the teachings of *Shima et al.* to cure the deficiencies of the teachings of *Reha et al.* citing to col. 21, lines 9-47. Applicant respectfully disagrees with the Examiner's characterization of these references.

The disclosure of *Reha et al.* is directed to a method and apparatus for checking and updating existing software on a user's computer utilizing a GUI. The GUI enables the user, without knowing what software exists on the computer, to download a text file from a remote

server and check whether the software on the remote server is contained on the user's computer. The user can also download and automatically install a new or updated program via the GUI (Abstract).

The client computer includes software update manager 12, GUI 16, and software update library 18. Using software update manager 12 and GUI 16, the user may check and update software at the client computer. Software update library 18 operates with GUI 16 to provide the processes necessary to check and update the user's software. Software update library provides the instructions for processor 102, at the client computer, to perform the checking and updating of the software (col. 6, lines 32-47).

In contrast, the present invention of claim 1 recites, *inter alia*, a client application comprising a program which causes the client computer to provide a function of communicating with the server to obtain the button information from the server and a function of displaying menu buttons on a display in combination with a GUI screen of the client application according to the buttons obtained. *Reha et al.* fails to teach or suggest a function of displaying menu buttons on a display in combination with a GUI screen of the client application according to the buttons obtained. The buttons displayed on the display of the client computer are buttons that are accessed from an application residing on the client computer, namely at software update manager 12 and software update library 18. These buttons are not obtained from the server, as asserted by the Examiner.

Further, the Examiner admits that *Reha et al.* fails to teach or suggest a function of performing operations defined for the displayed menu buttons. The Examiner relies on the teachings of *Shima et al.* to cure the deficiencies of the teachings of *Reha et al.* citing to col. 21, lines 9-47. Applicant respectfully disagrees with the Examiner's assertions.

The disclosure of *Shima et al.* is directed to a command pass-through mechanism for using with a panel subunit for remotely interfacing with a target device via an intelligent controller within a network of consumer electronic devices (col. 5, lines 3-7). The button information of *Shima et al.* relates to buttons retrieved from a panel subunit and displayed on an intelligent controller so that the user may remotely operate the panel subunit.

In contrast, the present invention of claim 1 recites, *inter alia*, the client application comprising a program to cause the client computer to provide a function of performing operations defined for the displayed menu buttons. However, as noted above, using the intelligent controller, the user enters a command through the intelligent controller in order to remotely operate the panel subunit. As such, the operation represented by the displayed button is not being performed at the “client computer”, the intelligent controller, but at the “server”, the panel subunit. As such, *Shima et al.* fails to teach or suggest this claim element.

Finally, the Examiner seeks to combine the teachings of *Shima et al.* with the software update system of *Reha et al.* However, one skilled in the art would not be motivated to combine the teachings of *Shima et al.* with the disclosure of *Reha et al.* *Reha et al.* anticipates the user of the client computer is unsophisticated. As such, an operator of the server of *Reha et al.* would not permit the unsophisticated user of the client computer to retrieve the button information as taught by *Shima et al.* to remotely operate the server of *Reha et al.* As such, *Reha et al.* teaches away from the purported combination as asserted by the Examiner.

For all the reasons set forth above, Applicant respectfully submits that the Examiner has failed to provide references that teach or suggest all of the claim elements. Further, the references are not properly combinable as asserted by the Examiner and there is no motivation to combine the references as asserted by the Examiner. As such, it is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully submitted that claims 3-21 and 26 are allowable for the reasons set forth above with regard to claim 1 at least based upon their dependency on claim 1. It is further respectfully submitted that claims 22, 28, and 29 include at least one element similar to those discussed above with regard to claim 1 and thus these claims, together with claims dependent thereon, are patentable over the references as cited.

CONCLUSION

If the Examiner has any questions concerning this application, the Examiner is requested to contact Catherine M. Voisinet, Reg. No. 52,327 at the telephone number of (703) 205-8000. Facsimile communications may be sent to facsimile number (703) 205-8050.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Dated: March 28, 2006

Respectfully submitted,

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